



# PUBLIC NOTICE

US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

**In replying refer to:**

Public Notice Number: 2002-01643-Y6  
Issue Date: October 12, 2004  
Expiration Date: November 15, 2004

**To Whom It May Concern:**

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

**APPLICANT:** New York City Economic Development Corporation  
110 William Street  
New York, NY 10038-3901

**ACTIVITY:** Fill wetlands, mitigate

**WATERWAY:** Bridge Creek, Arthur Kill

**LOCATION:** Borough of Staten Island, Richmond County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE,**  
otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information

**CENAN-OP-RE**  
**PUBLIC NOTICE NO. 2002-01643-Y6**

submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species. However, the District Engineer has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.


In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation Permit

**CENAN-OP-RE**  
**PUBLIC NOTICE NO. 2002-01643-Y6**

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (212) 264-3608 and ask for Craig Spitz.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

  
for Richard L. Tomer  
Chief, Regulatory Branch

Enclosures

### WORK DESCRIPTION

The applicant, the New York City Economic Development Corporation, (EDC), has requested Department of the Army authorization to discharge fill material into freshwater wetlands in the Bridge Creek watershed along the Arthur Kill in the Borough of Staten Island, Richmond County, New York.

The work would involve the placement of approximately 15,680 cubic yards of fill material into approximately 48,000 square feet (1.1 acres) of freshwater wetlands for the construction of a railroad embankment and temporarily impact approximately 5,994 square feet (0.14 acres) of wetlands during construction activities. A five foot wide buffer area would extend along the entire length of the proposed construction zone where impacts to this area would be limited to the placement of erosion and sediment measures, such as silt curtains and haybales, to avoid additional adverse impacts to the wetlands.

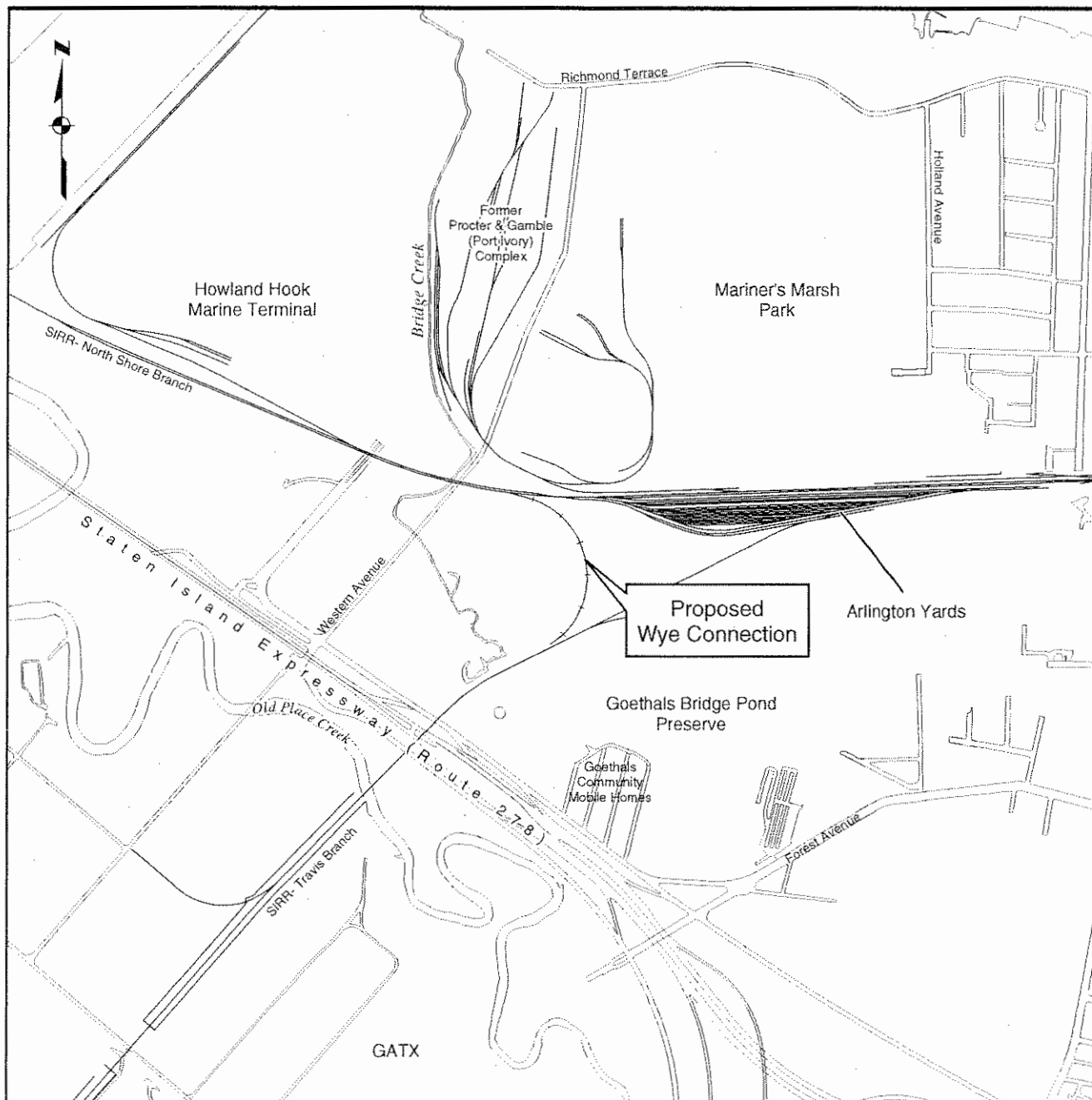
The wetlands are in a brackish marsh consisting of common reed (*Phragmites australis*). In order to address the impact of the proposed development of the Wye connection, the applicant proposes to implement restoration and enhancement activities within the Bridge Creek watershed approximately 1000-feet west/southwest of the proposed Wye connection. As part of the overall Staten Island Railroad (SIRR) Reactivation Project, the EDC would assist the New York State Department of Environmental Conservation (NYSDEC) in funding and/or conducting selected projects necessary to improve water flow within the Bridge Creek watershed in an area known as the Wilpon property. These efforts would involve, but not necessarily be limited to, one or more of the following:

- Grading and fill removal work within the Wilpon Property; and
- Remediation of existing culverts that may be blocked by silt and debris.

Restoration of a more significant tidal regime within the Wilpon Property would allow the NYSDEC to restore adequate tidal flow to 20-30 acres of wetland areas that are also currently dominated by common reed. This is because adequate tidal flooding has historically limited the ability of the NYSDEC to control the extent of common reed growth within the Wilpon property. Additionally, previous siltation within the creek, primarily off-site, has restricted the extent of flooding that may occur within the Wilpon Property. Implementation of one or more of these proposed remedial measures within the Wilpon property would allow for the development of a more biologically productive and diverse wetland habitat within the Wilpon Property, thereby offsetting the potential impacts associated with the reactivation of the SIRR.

It should be noted that the NYSDEC has been working over the past several years on the enhancement and restoration of wetlands within the Wilpon Property. This work has been undertaken with Environmental Quality Bond Act (EQBA) funds from New York State.

The stated purpose of the proposed work is to establish a railroad interconnection between the existing Travis and North Shore branches of the Staten Island Railroad.



PURPOSE: TO CONSTRUCT A RAIL (WYE)  
CONNECTION BETWEEN  
THE EXISTING BRANCHES OF THE  
STATEN ISLAND RAILROAD

DATUM: NATIONAL GEODETIC  
VERTICAL DATUM, 1988

ADJACENT PROPERTY OWNERS:

1. NEW YORK CITY  
ECONOMIC DEVELOPMENT CORPORATION
2. PORT AUTHORITY OF NY & NJ
3. NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION
4. NEW YORK CITY  
DEPARTMENT OF BUSINESS SERVICES

## VICINITY MAP

500 0 500 1,000  
Feet

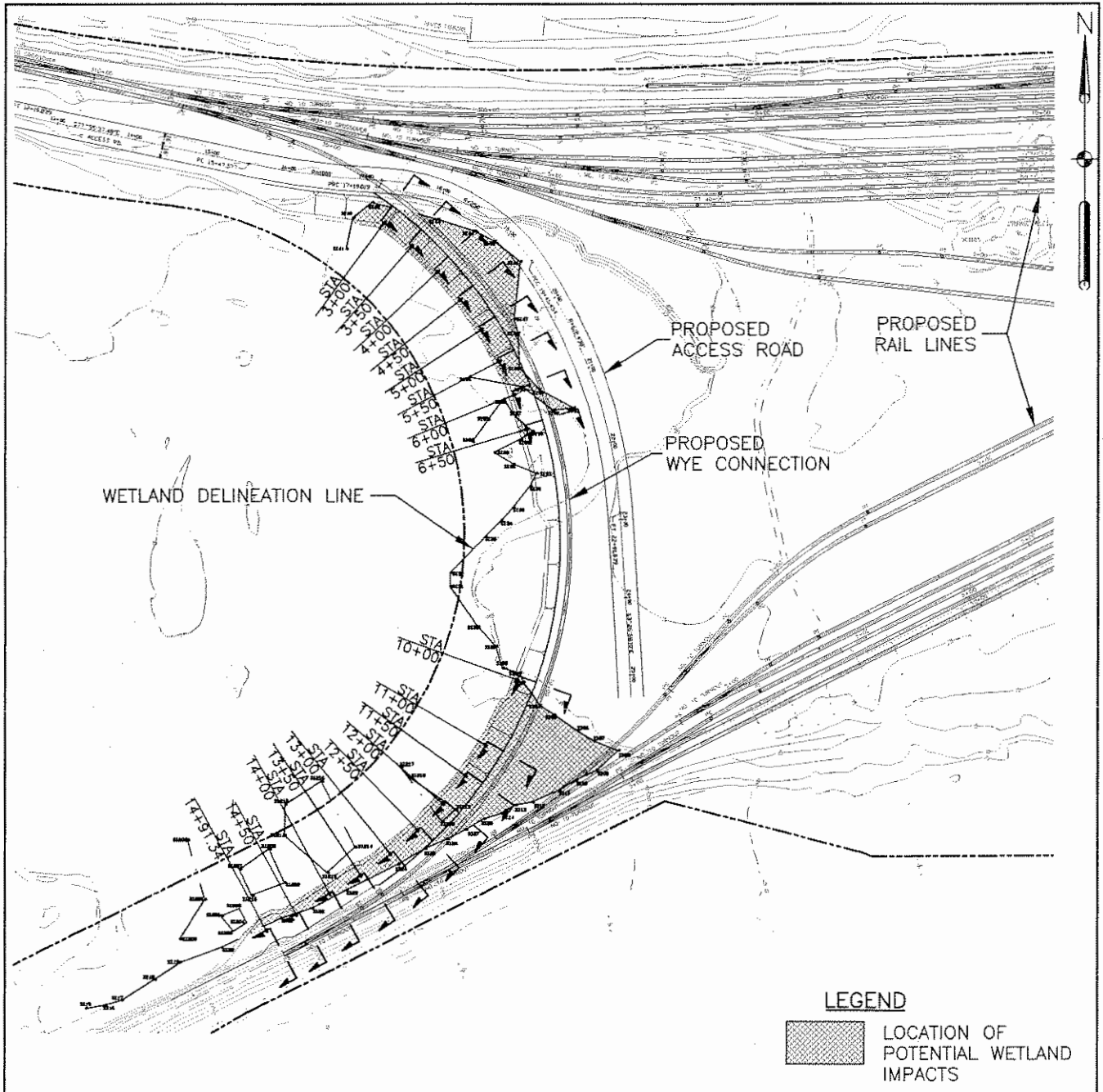
PROPOSED WYE CONNECTION

IN: FORMERLY CONNECTED WETLANDS  
ASSOCIATED WITH BRIDGE CREEK

AT: STATEN ISLAND  
COUNTY OF: RICHMOND  
STATE OF: NEW YORK

APPLICATION BY: HYDROQUAL, INC.  
ON BEHALF OF THE NEW YORK  
CITY ECONOMIC  
DEVELOPMENT CORPORATION

SHEET 1 OF 1 DATE: 4/27/04



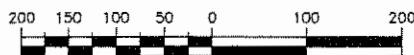
PURPOSE: REACTIVATION OF THE STATEN  
ISLAND RAILROAD

DATUM: NATIONAL GEODETIC  
VERTICAL DATUM, 1988

ADJACENT PROPERTY OWNERS:

1. NEW YORK CITY  
ECONOMIC DEVELOPMENT CORP.
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DEPARTMENT OF BUSINESS SERVICES

## PLAN VIEW



SCALE: 1"=200'

PROPOSED WYE CONNECTION

IN: FORMERLY CONNECTED WETLANDS  
ASSOCIATED WITH BRIDGE CREEK

AT: STATEN ISLAND

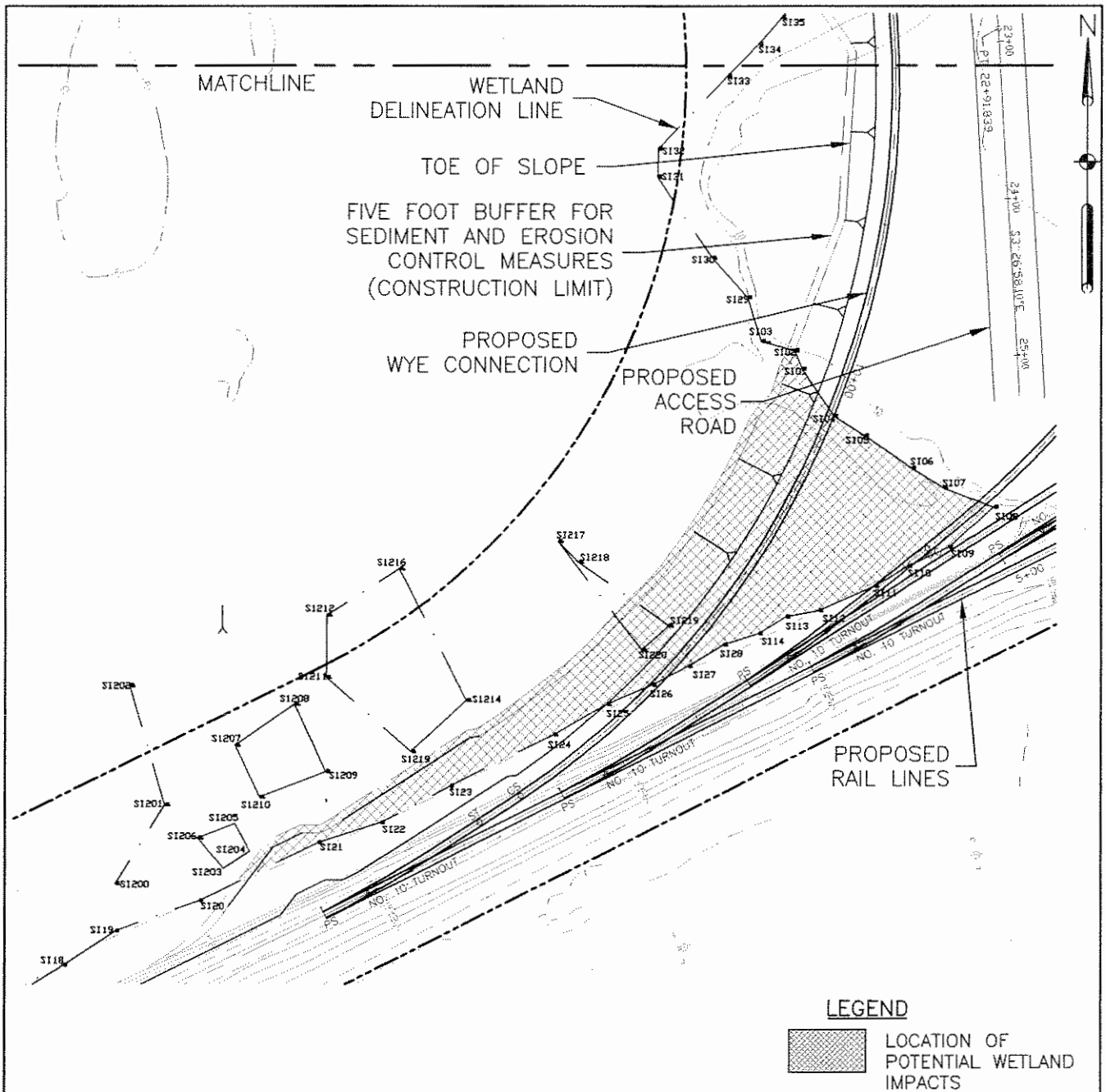
COUNTY OF: RICHMOND

STATE OF: NEW YORK

APPLICATION BY: HYDROQUAL, INC.  
ON BEHALF OF THE NEW YORK  
CITY ECONOMIC DEVELOPMENT  
CORPORATION

SHEET 2 OF 12 DATE: 4/27/04





PURPOSE: REACTIVATION OF THE STATEN ISLAND RAILROAD

DATUM: NATIONAL GEODETIC VERTICAL DATUM, 1988

ADJACENT PROPERTY OWNERS:

1. NEW YORK CITY ECONOMIC DEVELOPMENT CORP.
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3. NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
4. NEW YORK CITY DEPARTMENT OF BUSINESS SERVICES

## PLAN VIEW



SCALE: 1"=100'

PROPOSED WYE CONNECTION

IN: FORMERLY CONNECTED WETLANDS ASSOCIATED WITH BRIDGE CREEK

AT: STATEN ISLAND

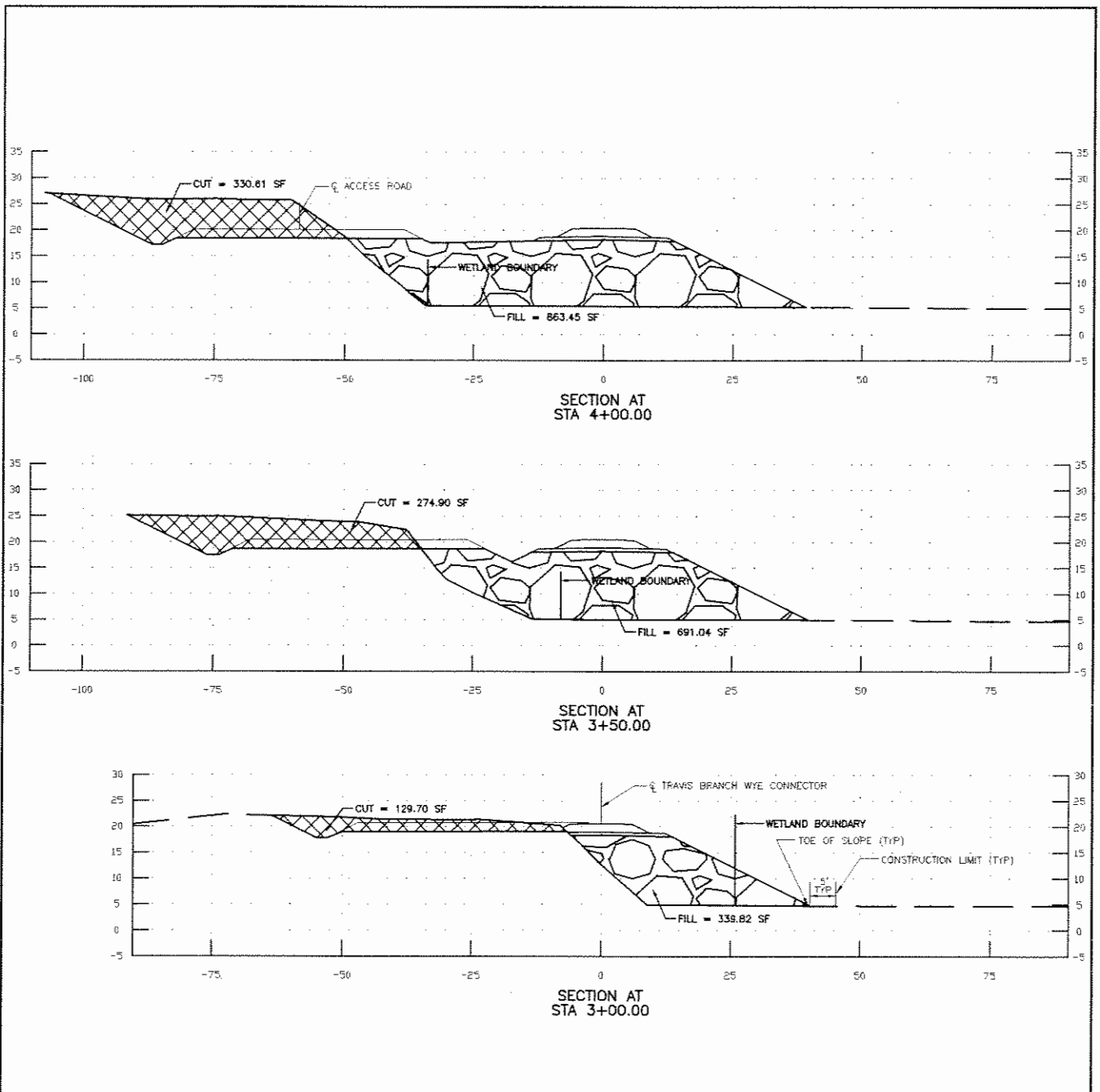
COUNTY OF: RICHMOND

STATE OF: NEW YORK

APPLICATION BY: HYDROQUAL, INC.  
ON BEHALF OF THE NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION

SHEET 4 OF 12 DATE: 4/27/04





PURPOSE: REACTIVATION OF THE STATEN ISLAND RAILROAD

DATUM: NATIONAL GEODETIC VERTICAL DATUM, 1988

ADJACENT PROPERTY OWNERS:

1. NEW YORK CITY ECONOMIC DEVELOPMENT CORP.
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3. NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
4. NEW YORK CITY DEPARTMENT OF BUSINESS SERVICES

## SECTION VIEWS



SCALE: 1"=30'

PROPOSED WYE CONNECTION

IN: FORMERLY CONNECTED WETLANDS ASSOCIATED WITH BRIDGE CREEK

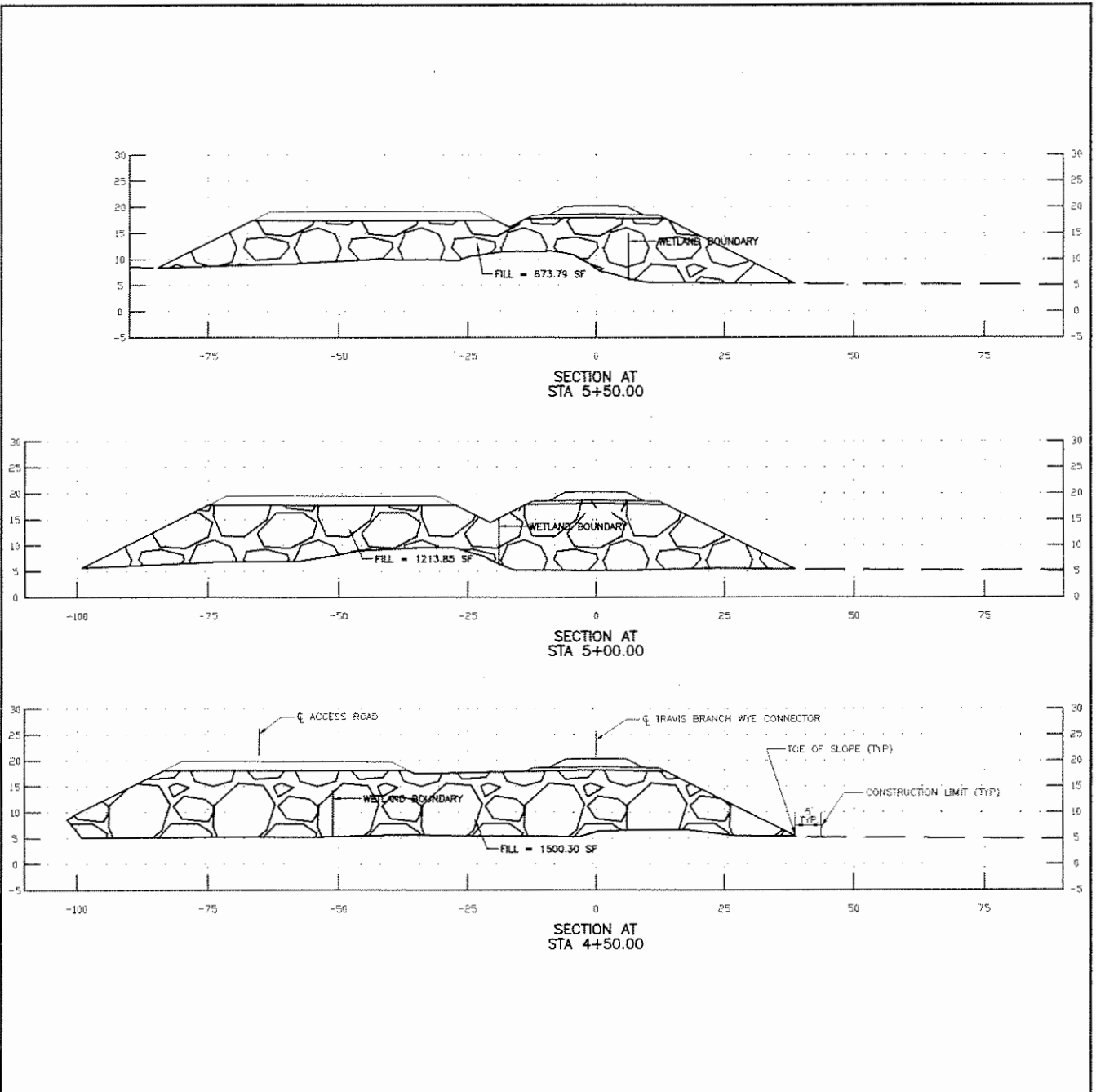
AT: STATEN ISLAND

COUNTY OF: RICHMOND

STATE OF: NEW YORK

APPLICATION BY: HYDROQUAL, INC.  
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SHEET 5 OF 12 DATE: 4/27/04



PURPOSE: REACTIVATION OF THE STATEN  
ISLAND RAILROAD

DATUM: NATIONAL GEODETIC  
VERTICAL DATUM, 1988

ADJACENT PROPERTY OWNERS:

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## SECTION VIEWS



PROPOSED WYE CONNECTION

IN: FORMERLY CONNECTED WETLANDS  
ASSOCIATED WITH BRIDGE CREEK

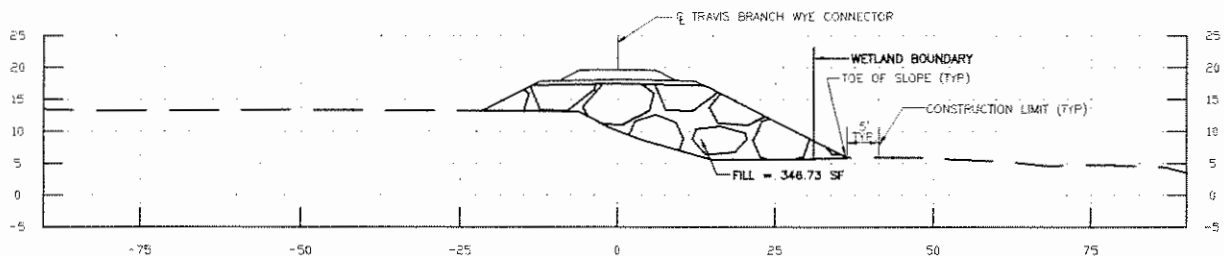
AT: STATEN ISLAND

COUNTY OF: RICHMOND

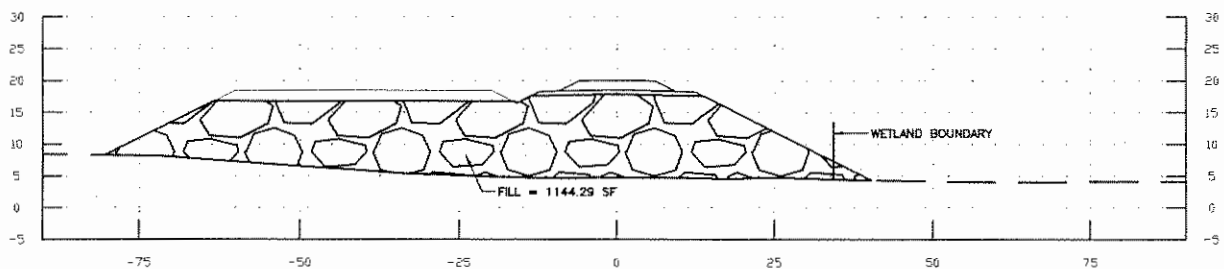
STATE OF: NEW YORK

APPLICATION BY: HYDROQUAL, INC.  
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CORPORATION

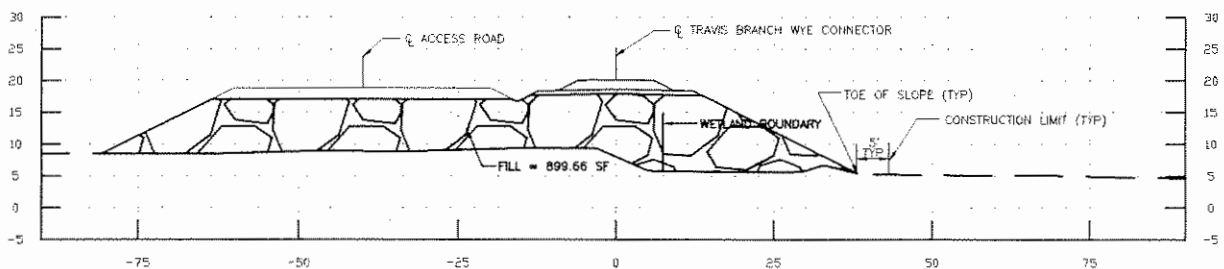
SHEET 6 OF 12 DATE: 4/27/04



SECTION AT  
STA 10+00.00



SECTION AT  
STA 6+50.00



SECTION AT  
STA 6+00.00

PURPOSE: REACTIVATION OF THE STATEN  
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DATUM: NATIONAL GEODETIC  
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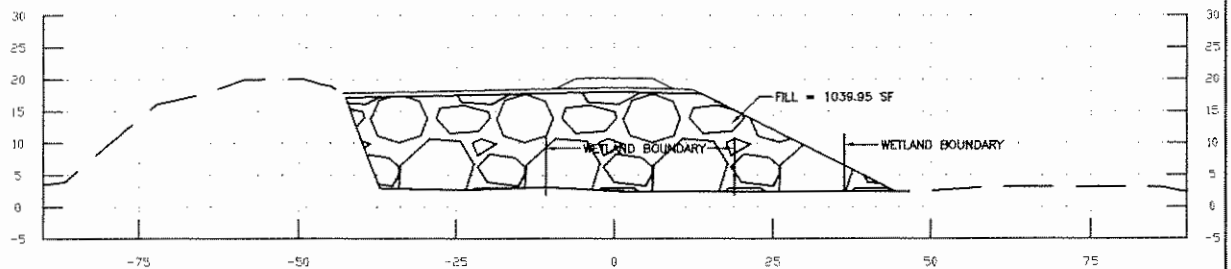
AT: STATEN ISLAND

COUNTY OF: RICHMOND

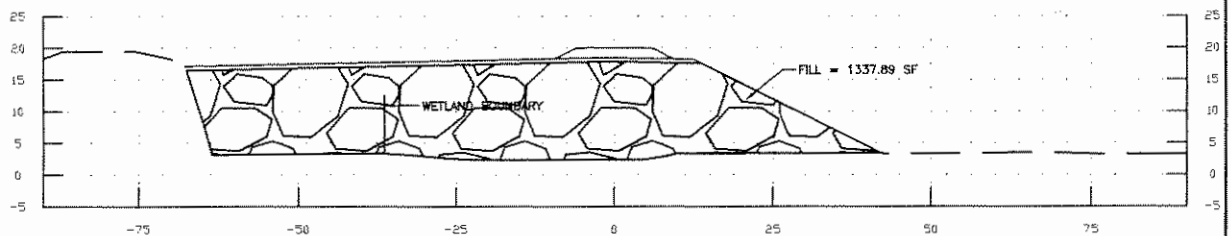
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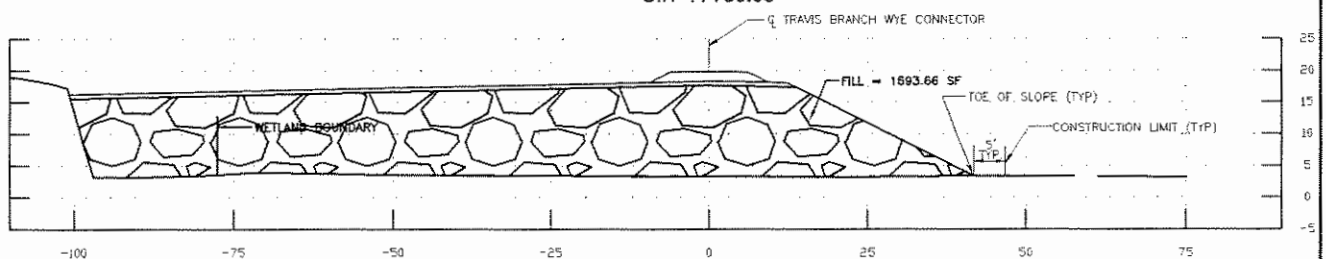
SHEET 7 OF 12 DATE: 4/27/04



SECTION AT  
STA 12+00.00



SECTION AT  
STA 11+50.00



SECTION AT  
STA 11+00.00

PURPOSE: REACTIVATION OF THE STATEN  
ISLAND RAILROAD

DATUM: NATIONAL GEODETIC  
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## SECTION VIEWS



SCALE: 1"=30'

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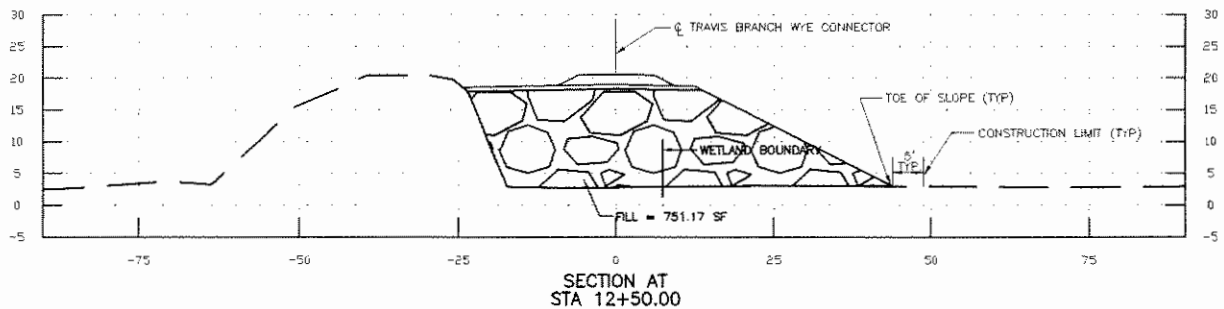
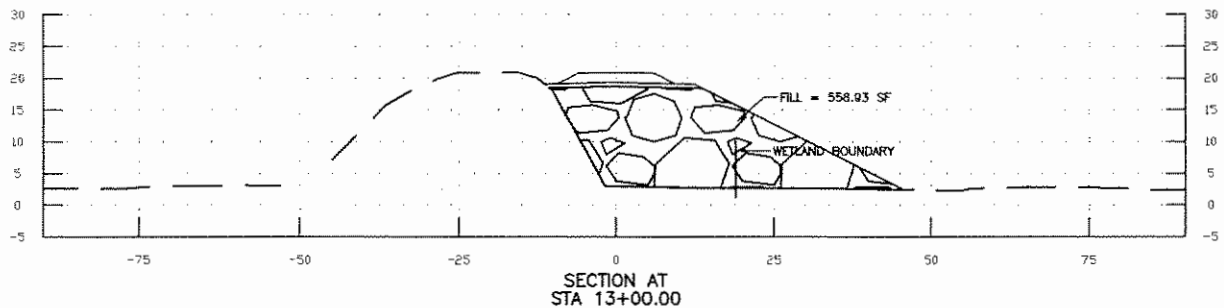
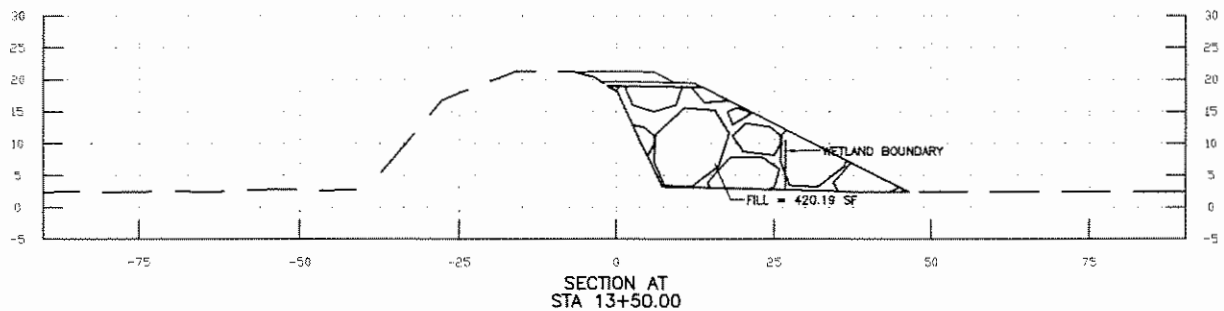
AT: STATEN ISLAND

COUNTY OF: RICHMOND

STATE OF: NEW YORK

APPLICATION BY: HYDROQUAL, INC.  
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SHEET 8 OF 11 DATE: 4/27/04



PURPOSE: REACTIVATION OF THE STATEN  
ISLAND RAILROAD

DATUM: NATIONAL GEODETIC  
VERTICAL DATUM, 1988

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## SECTION VIEWS



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PROPOSED WYE CONNECTION

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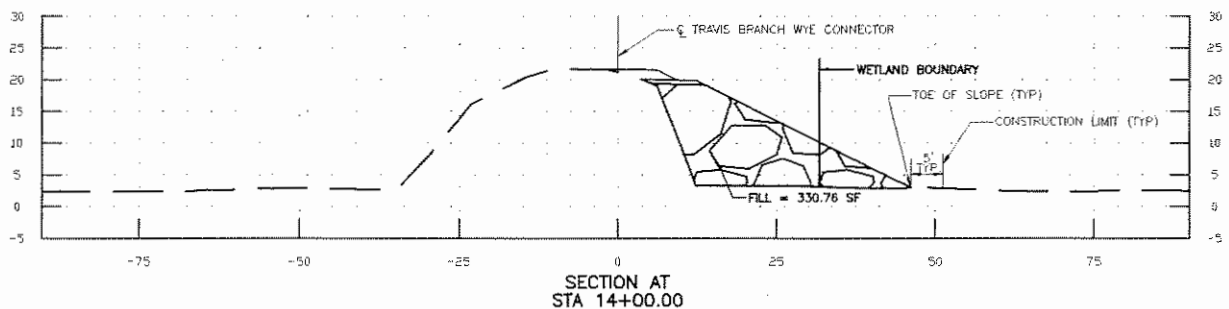
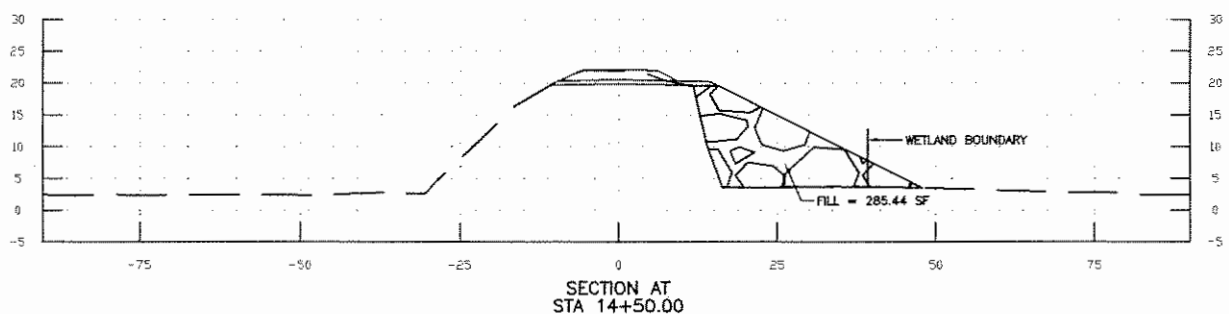
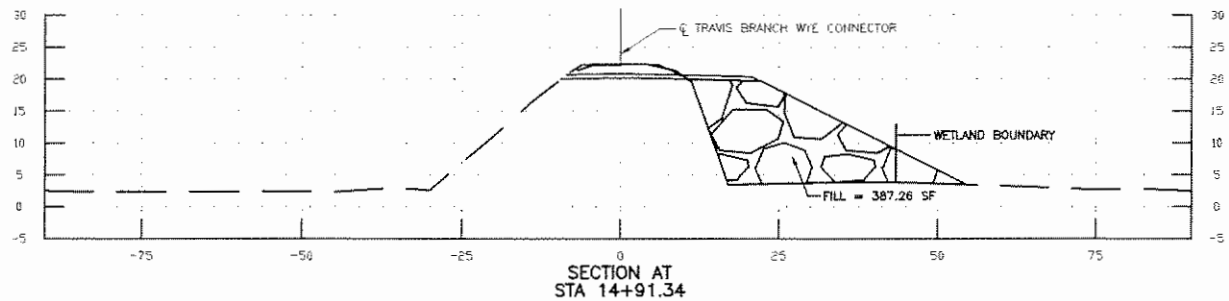
AT: STATEN ISLAND

COUNTY OF: RICHMOND

STATE OF: NEW YORK

APPLICATION BY: HYDROQUAL, INC.  
ON BEHALF OF THE NEW YORK  
CITY ECONOMIC DEVELOPMENT  
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SHEET 9 OF 12 DATE: 4/27/04



PURPOSE: REACTIVATION OF THE STATEN  
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PROPOSED WYE CONNECTION

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ASSOCIATED WITH BRIDGE CREEK

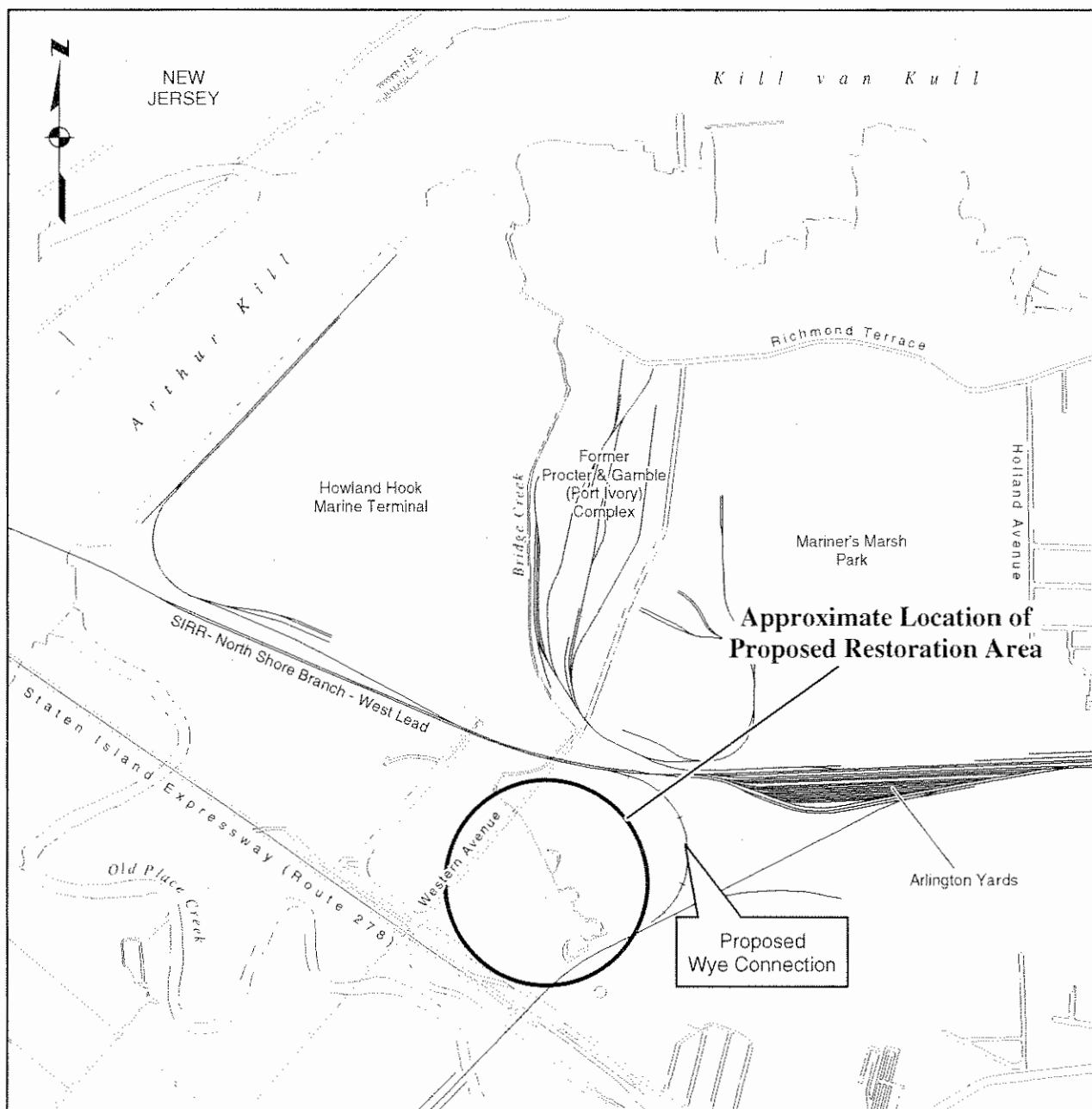
AT: STATEN ISLAND

COUNTY OF: RICHMOND

STATE OF: NEW YORK

APPLICATION BY: HYDROQUAL, INC.  
ON BEHALF OF THE NEW YORK  
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CORPORATION

SHEET 10 OF 11 DATE: 4/27/04



PURPOSE: TO CONSTRUCT A RAIL (WYE) CONNECTION BETWEEN THE EXISTING BRANCHES OF THE STATEN ISLAND RAILROAD

DATUM: NATIONAL GEODETIC VERTICAL DATUM, 1988

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4. NEW YORK CITY DEPARTMENT OF BUSINESS SERVICES

## VICINITY MAP

500 0 500 1,000 Feet

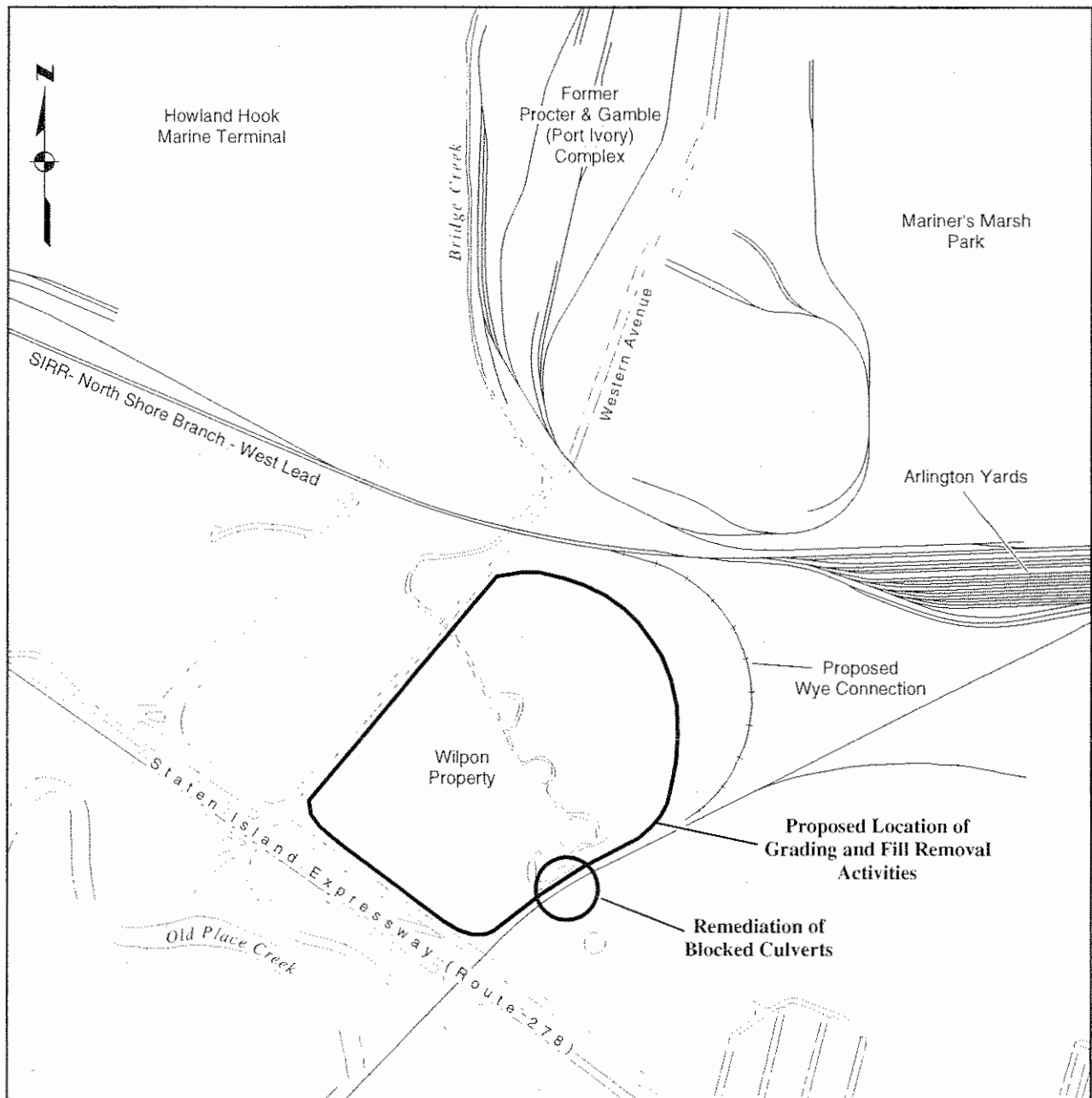
PROPOSED WYE CONNECTION

IN: FORMERLY CONNECTED WETLANDS ASSOCIATED WITH BRIDGE CREEK

AT: STATEN ISLAND  
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STATE OF: NEW YORK

APPLICATION BY: HYDROQUAL, INC.  
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SHEET 11 OF 12 DATE: 4/27/04



PURPOSE: TO CONSTRUCT A RAIL (WYE) CONNECTION BETWEEN THE EXISTING BRANCHES OF THE STATEN ISLAND RAILROAD

DATUM: NATIONAL GEODETIC VERTICAL DATUM, 1988

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### PROPOSED RESTORATION LOCATIONS

250 0 250 500 Feet

### PROPOSED WYE CONNECTION

IN: FORMERLY CONNECTED WETLANDS ASSOCIATED WITH BRIDGE CREEK

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APPLICATION BY: HYDROQUAL, INC  
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SHEET 12 OF 12 DATE: 4/27/04